

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/475,630 12/30/1999		Randall Joseph Sandell	9D-EC-19310 6597			
75	90 08/26/2004		EXAM	EXAMINER		
John S. Beulick			WOO, RICHARD SUKYOON			
Armstrong Teas	dale LLP					
One Metropolitan Square, Suite 2600			ART UNIT	PAPER NUMBER		
St Louis MO 63102			3629			

**DATE MAILED: 08/26/2004** 

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner Richard Woo  3629  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extractions of time may be available under the provisions of 37 CPR 1.13(6). In no event, however, may a reply be timely filed after \$8.00 MONTHS from the maling date of this communication.  In the price of the maling date of this communication.  In the price of the price of the price of the maling date of the control of the price of the price of the maling date of the control of the price of the price of the maling date of the control of the price of the pr			Application	No.	Applicant(s)	7			
Richard Woo 3629  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication. Provided the provided for reply specified above is less than thing (30) days, as legy within the standardy minimum of thing (30) days will be considered freely reply rep			09/475,630		SANDELL	4			
- The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Educations of time may be available under the provisions of 3 CFR 1.136(a). In no event, however, may a raphy be timely filled the SEA (S) MACRITIS from the maining date of this communication.  Fabrico is the set of the set of the set of the communication of 3 CFR 1.136(a). In no event, however, may a raphy be timely filled the SEA (S) MACRITIS from the maining date of this communication.  Fabrico is raphy within the set or intended period for raphy will, by statutory period vall gard will replie SEA (MACRITIS) and will be considered timely.  Fabrico is raphy within the set or intended period for raphy will, by statute, cause the application to become ABANDONED (35 U.S.C. § 13.3). Annual patient term adjustment: Sea 37 CFR 1.704(b).  Status  1) ■ Responsive to communication(s) filled on OS May 2004.  2a) ■ This action is FINAL.  2b) ■ This action is FINAL.  2b) ■ This action is for all of the sex except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ■ Claim(s) 1.15.17-46 and 48-53 is/are pending in the application.  4a) Of the above claim(s)		Office Action Summary	Examiner		Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extendent of time mity be available under the provisions of 37 CRF 1.136(s). In one event, however, may a reply be timely filed  If the period for reply seedified above, the maximum datulary period will apply and will agrie SIX (5) MONTH'S from the mailing date of this communication. If the period for reply is appendix and under the provisions of the search of the search of the provisions of the search o			Richard Wo	0	3629				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Examinous of time imaging the available index the previous of 37 CPR 1.136(s). In no event, however, may a raply be timely filed  Examinous of time imaging a significant of the previous of 37 CPR 1.136(s). In no event, however, may a raply be timely filed  It the period for reply is specified above is less than thirty (30) days, a reply within the satisfulory minimum of thirty (30) days will be considered linely.  It the period for reply is specified above, the maximum stateshop yellow day but will be priced to the price of the communication.  It the period for reply is specified above, the maximum stateshop yellow day but will be considered linely.  It the period for reply is specified above is less than thirty (30) days, a reply within the satisfulory minimum of the file of this communication.  It the period for reply is specified above is less than thirty (30) days will be considered linely.  It the period for reply is pecified above is less than thirty (30) days will be considered linely.  Any reply received by the Coffice list reply the period of the communication.  Any reply received by the Coffice list reply the price of the communication of the commun			pears on the c	over sheet with the o	correspondence ad	ldress			
1) ⊠ Responsive to communication(s) filed on <u>06 May 2004</u> .  2a) ☐ This action is FINAL. 2b) ⊠ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) <u>1-15.17-46 and 48-53</u> is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☑ Claim(s) <u>1-15.17-46 and 48-53</u> is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-992)  2) ☐ Notice of Informal Patent Application (PTO-152)  5) ☐ Notice of Informal Patent Application (PTO-152)  6) ☐ Other:	A SHO THE N - Extens after S - If the p - If no p - Failure Any re	DRTENED STATUTORY PERIOD FOR REPLIALING DATE OF THIS COMMUNICATION. Sions of time may be available under the provisions of 37 CFR 1. IX (6) MONTHS from the mailing date of this communication. Deriod for reply specified above is less than thirty (30) days, a reperiod for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statut ply received by the Office later than three months after the mailing	.136(a). In no event, ply within the statutor I will apply and will e te, cause the applica	however, may a reply be tir y minimum of thirty (30) day xpire SIX (6) MONTHS from tion to become ABANDONE	nety filed  rs will be considered timel the mailing date of this co	y. ommunication.			
2a) ☐ This action is FINAL.  2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s) 1-15.17-46 and 48-53 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) 1-15.17-46 and 48-53 is/are rejected.  7) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Opies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Altachment(s)  1) ☐ Notice of References Cited (PTO-952)  2) ☐ Notice of Informal Patent Application (PTO-152)  5) ☐ Notice of Informal Patent Application (PTO-152)  6) ☐ Other:	Status								
3	1)🛛	Responsive to communication(s) filed on 06 f	May 2004.						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)	2a)□ <sup>-</sup>	This action is <b>FINAL</b> . 2b)⊠ Thi	is action is nor	-final.					
Al) Claim(s) 1-15.17-46 and 48-53 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are objected to.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  1) ☑ Notice of References Cited (PTO-892)  2) □ Notice of Oraftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date	•	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
4)		closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) □ Notice of Parlisperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) □ Other:  9 Other:  10 Other:  9 Other:  10 Other:  10 Other:  10 Other:  11 Other Statement(s)	Dispositio	on of Claims							
5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)	4) 🖾	Claim(s) <u>1-15,17-46 and 48-53</u> is/are pending	g in the applica	tion.					
6) Claim(s) 1-15.17-46 and 48-53 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) Choice of Draftsperson's Patent Drawing Review (PTO-948) Altachment(s) Drager No(s)/Mail Date Paper No(s)/Mail Date Chief.  * Paper No(s)/Mail Date Drager No(s)/Mail Date Chief.  * Drager No(s)/Mail Date Drager No(s)/Mail Date Chief.  * Drager No(s)/Mail Date Drager No(s)/Mail D	4								
7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Altachment(s)  1) Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date	·	5) Claim(s) is/are allowed.							
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Altachment(s)  1) Notice of References Cited (PTO-922)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  9) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date	·		d.						
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Notice of Oraftsperson's Patent Drawing Review (PTO-948)  3) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:	· · · · · · · · · · · · · · · · · · ·	-	or alaction rea	uirement					
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  1) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Find the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Attachment(s)  1) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Notice of Informal Patent Application (PTO-152)	о) <u> </u>	ciain(s) are subject to restriction and	or election req	unement.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:	Application	on Papers							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:	•								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Oraftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:									
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:			= ' '			ED 1 121/d)			
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  6) ☐ Other:									
12)   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All b)   Some * c)   None of:  1.	Priority u	nder 35 U.S.C. § 119							
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  6) Other:	-		n priority unde	r 35 U.S.C. § 119(a	)-(d) or (f).				
2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  6) ☐ Other:					, ( , ( ,				
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  5) ☐ Notice of Informal Patent Application (PTO-152) Pother:	·—								
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5)  Notice of Informal Patent Application (PTO-152)  6)  Other:	2. Certified copies of the priority documents have been received in Application No								
* See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  6) Other:		3. Copies of the certified copies of the price	ority document	s have been receiv	ed in this National	Stage			
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  4) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Cother:		• •							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) Other:	* S	ee the attached detailed Office action for a lis	st of the certifie	d copies not receive	ea.				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) Other:									
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  Paper No(s)/Mail Date  Notice of Informal Patent Application (PTO-152)  Other:		• •		Interview Summer	(/PTO-/13)				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  6) Other:				Paper No(s)/Mail D	ate				
	3) 🖾 Inform Paper	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 No(s)/Mail Date	٠,	=	Patent Application (PTC	O-152)			

Art Unit: 3629

#### **DETAILED ACTION**

# Response to Arguments

- 1) The Applicant's amendment filed May 6, 2004 has been entered.
- 2) Applicant's arguments with respect to the rejections under 35 U.S.C. 101, 102 and 112 have been fully considered and are persuasive. The previous rejections of claims have been withdrawn.

### Claim Rejections - 35 USC § 103

3) Claims 1-15, 17-46 and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (US 5,913,210) in view of Nicholls et al. (US 5,485,369).

## W.R.T. Claim 1:

server; and

Call discloses a method comprising the steps of:

contemporaneously communicating respective order information from a store (107) to a server (101);

a respective delivery agent (col. 1, lines 16-20) communicating with the server; communicating the information from the server to a supplier (105);

communicating disposition status of the goods from the delivery agent to the

the server updating the product information (see Figs. 1-2).

However, Call does not expressly disclose the method including:

Art Unit: 3629

3

generating respective invoice information from the order information; communicating the invoice information from the logistics intermediary to a delivery agent;

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent;

communicating exceptions from the logistics intermediary to the respective supplier to the store;

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the customer to a logistics intermediary (38);

generating respective invoice information from the order information; communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

Art Unit: 3629

Λ,

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents.

W.R.T. Claim 2: The modified Call further discloses the method including the step of shipping the ordered goods to the respective buyer by the respective delivery agent (see Figs.);

W.R.T. Claim 3: The modified Call further discloses the method, wherein the communication network is an Internet based system (see Fig. 1 in Call);

Art Unit: 3629

W.R.T. Claim 4: The modified Call further discloses the method including the step of selecting at least one delivery date based on available delivery capacity for each respective delivery agent (see Figs. in Nicholls et al.);

W.R.T. Claim 5: The modified Call further discloses the method including the respective supplier adding delivery information to the electronic manifest, wherein the delivery information includes the quantity, type, and delivery date of respective goods to be delivered to the respective delivery agent (see tables, Figs. and the descriptions thereof);

W.R.T. Claim 6: The modified Call further discloses the method, wherein each respective buyer selects a delivery date for each good based on the available delivery schedule;

W.R.T. Claim 7: The modified Call further discloses the method, wherein the order information communicated by the buyer includes the brand of good, type, model number of the good, the installation service, the address and the delivery date (see Supra); W.R.T. Claim 8: The modified Call further discloses the method including the step of generating a respective invoice and communicating the invoice to the store by the logistics intermediary (see Figs. in Call and Nicholls et al.);

W.R.T. Claim 9: The modified Call further discloses the method including communicating the respective master requisition labels and an associated manufacturer shipping labels to the delivery agent by the logistics intermediary (see relevant Figs. in Nicholls et al.);

Art Unit: 3629

W.R.T. Claim 10: The modified Call further discloses the method including communicating the respective master requisition number and an associated manufacturer shipping number to the store (see Id.);

W.R.T. Claim 11: The modified Call further discloses the method including communicating the respective manufacturer shipping number and associated shipping address to the supplier by the store (it would have been obvious to provide the additional service between the supplier and store as taught by the reason as cited in Claim 1);

W.R.T. Claim 12: The modified Call further discloses the method including the step of generating a respective purchase order, advance shipping notice and order label by the supplier (see Supra Figs.);

W.R.T. Claim 13: The modified Call further discloses the method including the step of communicating the purchase order invoice to the store by the supplier (see Id.);

W.R.T. Claim 14: The modified Call further discloses the method including the step of communicating the manufacturer shipping number and address to the store by the logistics intermediary (see Supra);

W.R.T. Claim 15: The modified Call further discloses the method including the step of delivery the respective good to the delivery agent by the supplier;

W.R.T. Claim 17: The modified Call further discloses the method including the step of attaching the shipping label from the logistics intermediary to the good by the delivery agent (see Figs. in Nicholls et al.);

Art Unit: 3629

W.R.T. Claim 18: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the logistics intermediary by the delivery agent (see Figs. in Nicholls et al.);

W.R.T. Claim 19: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the store by the logistics intermediary (see Id.);

W.R.T. Claim 20: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the supplier by the logistics intermediary (see Supra);

W.R.T. Claim 21: The modified Call further discloses the method including the step of confirming the good delivery date and time of day with respective buyer by the delivery agent (see Figs. in Nicholls et al.);

W.R.T. Claim 22: The modified Call further discloses the method including the step of delivering the good to the buyer (see Nicholls et al.);

W.R.T. Claim 23: The modified Call further discloses the method including the step of communicating the shipping disposition to the intermediary by the delivery agent (see Id.);

W.R.T. Claim 24: The modified Call further discloses the method, wherein the delivery information includes the quantity of goods, type, and delivery date of goods (see Supra Nicholls et al.);

W.R.T. Claim 25: The modified Call further discloses the method, wherein the service includes the type of installation of the good at the buyer address;

Art Unit: 3629

રે

W.R.T. Claim 26: The modified Call further discloses the method including the step of identifying overage, shortage, damage and suspend;

W.R.T. Claim 27: The modified Call further discloses the method including the step of identifying complete, damage, refusal and cancel.

#### **W.R.T. Claim 28**:

Call discloses a system comprising:

a communication network (see Fig. 1); a server (101);

at least one delivery agent being adapted to deliver and install the goods (col. 1, lines 16-20; see Fig. 1); and

at least one store (107) being adapted to receive order information generated by the buyer and communicate the order information to the server.

However, Call does not expressly disclose the system including a logistics intermediary having manifest, wherein the logistics intermediary is in communication with the store, supplier and delivery agent.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the customer to a logistics intermediary (38);

generating respective invoice information from the order information;

Art Unit: 3629

₹.

communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents.

Art Unit: 3629

€

W.R.T. Claim 29: the modified Call further discloses the system, wherein the network is an Internet (see Fig. 1 in Call);

W.R.T. Claim 30: the modified Call further discloses the system, wherein the network includes at least one computing unit (see Figs.);

W.R.T. Claim 31: the modified Call further discloses the system, wherein the network further includes an additional computing unit;

W.R.T. Claim 32: the modified Call further discloses the system, wherein the computing unit is adapted to house the electronic manifest and the delivery management system (see Figs. in Nicholls et al.);

W.R.T. Claim 33: the modified Call further discloses the system, wherein the computing unit includes a scanner that scans the labels to uplink and unload data to the intermediary (see Nicholls et al.);

W.R.T. Claim 34: the modified Call further discloses the system, wherein the scanner includes a scanner display and keyboard input (see Supra);

W.R.T. Claim 35: the modified Call further discloses the system, wherein the intermediary is adapted to generate a master requisition label, associated manufacturer shipping labels, and an advanced shipping notice (see Supra Figs. in Nicholls et al.); W.R.T. Claim 36: the modified Call further discloses the system, wherein the intermediary is adapted to communicate with the store, delivery agent, and supplier (see the reason as recited in Claim 28);

700/18/01 **14**0/11/01: 00/17/0,00

Art Unit: 3629

ť

W.R.T. Claim 37: the modified Call further discloses the system, wherein the intermediary communicates with the store, delivery agent, and supplier (via mail, courier, fax..);

W.R.T. Claim 38: the modified Call further discloses the system, wherein the supplier generates a purchase order for the store based on the order information generated by the buyer (see Supra Figs.);

W.R.T. Claim 39: the modified Call further discloses the system, wherein the scanner employs a computer program having the exception report and the disposition report (see Figs. in Nicholls et al.);

W.R.T. Claim 40: the modified Call further discloses the system, wherein the scanner employs the computer program having an exception report having a overage menu, shortage, damaged, and a suspend menu (see Supra); and

W.R.T. Claim 41: the modified Call further discloses the system, wherein the scanner employs the computer program having a disposition report having a complete, damage, refusal and a cancel menu.

#### W.R.T. Claim 42:

Call discloses a system comprising:

means (101) for utilizing a communication network to transfer information between the supplier (1050, the delivery agent (103) and store (107);

means for providing order and shipping information to the at least one delivery agent; and

Art Unit: 3629

Ų

means for updating information.

However, Call does not expressly discloses the system including:

means for utilizing a logistics intermediary (112) to the network, the intermediary
being adapted to employ an electronic manifest;

means for utilizing a communication network to transfer order and shipping information between the supplier, delivery agent and store; and

means for scheduling the shipment of goods based on order and shipping information and an exception report (see Figs.).

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the customer to a logistics intermediary (38);

generating respective invoice information from the order information; communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

, v

Art Unit: 3629

wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents.

W.R.T. Claim 43: The modified Call further discloses the system including means for receiving the order information and communicating the order information to the intermediary by the store (see Figs.);

W.R.T. Claim 44: The modified Call further discloses the system including means for communicating with the store, delivery agent and supplier by the intermediary; W.R.T. Claim 45: The modified Call further discloses the system including means for generating the exception report;

Art Unit: 3629

W.R.T. Claim 46: The modified Call further discloses the system including a overage, shortage, damaged and suspend menu (see Tables and Figs.);

W.R.T. Claim 48: The modified Call further discloses the system including means for generating a disposition report;

W.R.T. Claim 49: The modified Call further discloses the system, wherein the intermediary is adapted to adjust good deliveries based on a disposition report;

## W.R.T. Claim 50:

Call discloses a system comprising:

a communication network (see Fig. 1); a server (101);

at least one delivery agent being adapted to deliver and install the goods (col. 1, lines 16-20; see Fig. 1); and

at least one store (107) being adapted to receive order information generated by the buyer and communicate the order information to the server.

However, Call does not expressly disclose the system including a logistics intermediary having manifest, wherein the logistics intermediary is in communication with the store, supplier and delivery agent.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

customer to a logistics intermediary (38);

Art Unit: 3629

an order processing system (22) communicating order information from the

generating respective invoice information from the order information; communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to

10/11/01 14d/11bc1: 00/4/0,00

Art Unit: 3629

any shipping operations; and increasing effectiveness among stores, suppliers and

delivery agents.

W.R.T. Claim 51: The modified Call further discloses the system, wherein the logistics

intermediary communicates exceptions to the supplier (see the reasons as recited in

Claim 50);

W.R.T. Claim 52: The modified Call further discloses the system, wherein the logistics

intermediary communicates exceptions to the store; and

W.R.T. Claim 53: The modified Call further discloses the system, wherein the delivery

agent communicates disposition status of goods to the intermediary and the

intermediary updates the e-manifest.

Conclusion

8) The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

JP 11-250129 is cited to show an order management system for data

communication among various enterprises- managing each database.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Richard Woo whose telephone number is 703-308-

7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00

PM.

Art Unit: 3629

Page 17

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Richard Woo

Patent Examiner

GAU 3629

August 19, 2004

JOHN G. WEISS

SUPERVISORY PATENT EXAMINER

**TECHNOLOGY CENTER 3600**